

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

JOEY AND LILYBETH CALMA,

Plaintiffs,

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**ALLSTATE VEHICLE AND
PROPERTY INSURANCE COMPANY,
ELSIE TARVER AND JASON
MCLENDON.**

Defendants.

CIVIL ACTION NO. 3:16-cv-02110

JOINT SETTLEMENT DISCUSSION STATUS UPDATE

Plaintiffs Joey and Lilybeth Calma (“Plaintiffs”) and Defendants Allstate Vehicle and Property Insurance Company (referred to herein as “Allstate”) and Jason McLendon file this Joint Settlement Discussion Status Update and respectfully show the Court as follows:

I. **BACKGROUND INFORMATION**

1. This lawsuit was filed in state court on June 13, 2016 and removed to this Court on July 20, 2016.
2. Allstate filed its Original Answer on July 8, 2016.
3. The parties agreed to participate in the appraisal process on or about May 18, 2017.
4. On May 25, 2017, this Court granted the parties' Agreed Motion to Abate Litigation Pending Completion of Appraisal. In so doing, the court directed the clerk of the court to administratively close this case subject to being reopened for further proceedings after the appraisal process was completed.

5. On or about March 5, 2018, a binding appraisal award was entered on Plaintiffs' claim. An appraisal payment was then tendered to Plaintiffs.

5. Allstate filed a Tenth Joint Status Report regarding Appraisal and Notice of Appraisal Award on March 21, 2018.

6. On March 28, 2018, this Court entered an electronic Order directing the parties to update the court on the status of their settlement discussions by April 27, 2018.

II.
SETTLEMENT DISCUSSION UPDATE

7. On Friday, April 20, 2018, Plaintiffs' counsel contacted Defendants' counsel regarding potential settlement of the above numbered and styled case. Plaintiffs' counsel provided Defendants' counsel with an initial settlement demand later that day.

8. On Monday, April 23, 2018, Allstate was provided with Plaintiffs' settlement demand for consideration. Although Allstate rejected this demand, it decided to provide a counter-offer of settlement.

9. On Tuesday, April 24, 2018, Allstate's counter-offer was provided to Plaintiffs' counsel. Defendants' counsel has not yet heard back on Allstate's counter-offer.

10. The parties have agreed to continue their settlement discussions in earnest. They will apprise the court whether the case has settled or if it should proceed on the active docket.

Respectfully submitted,

/s/ R. Tate Gorman

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/s/ Shelly Calhoun (with permission)

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CERTIFICATE OF CONFERENCE

The parties have conferred and are in agreement regarding the substance of this Motion.

/s/ R. Tate Gorman

R. Tate Gorman

CERTIFICATE OF SERVICE

This is to certify that on April 27, 2018, a copy of this document was served to all Counsel of Record via electronic notice and/or certified mail, return receipt requested to:

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